

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARIA LAFEVER)
Plaintiff(s),)
v.)
ACOSTA, INC., a Delaware)
Closed Corporation, also)
d/b/a ACOSTA TRUEDEMAND,)
LLC; and also d/b/a ACOSTA)
MILITARY SALES, LLC; and)
DOES 1 through 20,)
inclusive,)
Defendant(s).)
)
)
No. C10-01782 BZ
FINAL PRETRIAL ORDER

The pretrial conference in this case was held on June 27, 2011. Plaintiff was represented at the conference by William Adams, Esq. and J. Kirk Boyd, Esq. Defendants were represented by Scott Inciardi, Esq. This Order shall control the subsequent conduct of the case and be modified only to prevent manifest injustice. See Fed. R. Civ. P. 16(e).

1. LENGTH AND TIME OF TRIAL

Trial shall begin on **Monday, July 18, 2011 at 8:30 a.m.**
in **Courtroom D**, 15th Floor, Federal Building, 450 Golden Gate

1 Avenue, San Francisco, California 94102. The trial schedule
2 is as follows: 8:30 a.m. - 1:30 p.m.

3 Plaintiff shall be prepared to call witnesses **Monday, July**
4 **18, 2011.** Each side shall schedule witnesses to avoid any
5 interruption in the presentation of testimony. Plaintiff
6 shall have **8.5 hours** to present evidence. Defendant shall
7 have **7.5 hours.**

8 **2. VOIR DIRE**

9 Any objections to the voir dire questions distributed at
10 the conference, or requests for additional questions, shall be
11 filed by **Tuesday, July 5, 2011.**

12 **3. EXHIBITS AND EVIDENCE**

13 Exhibits shall not be a part of the record or go to the
14 jury unless sponsored by a witness or otherwise brought to the
15 jury's attention. The parties must lodge the entire
16 transcript of all depositions, and the text of all
17 interrogatory answers, they anticipate using at trial by the
18 start of trial. The parties are ordered to meet and confer in
19 an effort to agree on exhibits consistent with the guidance
20 given during the pretrial conference. The parties are to
21 submit joint and, if necessary, separate lists of exhibits and
22 exhibit binders by **Tuesday, July 5, 2011.**

23 **4. JURY INSTRUCTIONS AND SPECIAL VERDICT FORMS**

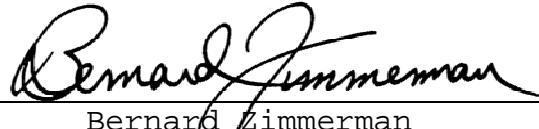
24 Rulings on the instructions were made on the record at
25 the pretrial conference. The Court has filed a proposed set
26 of final instructions. The parties shall also file a proposed
27 instruction for claims and defenses based on Ninth Circuit
28 Model Instruction No. 1.2 by **Tuesday, July 5, 2011.** Final

1 instructions will be driven by the evidence and will be
2 settled shortly before the jury is to be instructed.

3 **5. MISCELLANEOUS**

4 The parties shall follow the Court's instructions with
5 respect to issues related to punitive damages and the
6 defendant's financial condition. Any party who desires a
7 transcript of the trial must make arrangements with the Court
8 Services Coordinator, Debra Campbell. Any party who needs an
9 interpreter or audio or visual equipment shall make its own
10 arrangements for same and clear all such equipment with the
11 Court's security personnel. The Court's electronic evidence
12 presentation equipment cart will not be available for the
13 trial and the parties shall make their own arrangements for
14 such equipment. For any equipment the parties seek to bring
15 into Court, they shall file a proposed order seeking
16 permission to do so. The parties are instructed to notify the
17 Court **immediately** if this action should settle before the
18 commencement of trial.

19 Dated: June 28, 2011


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21 Bernard Zimmerman
22 United States Magistrate Judge
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